

PROPOSED RULE AMENDMENTS

Public Hearing:

August 16, 2017 – 10:30 am

Full Commission Vote:

August 18, 2017- 9:00 am

**Wake Technical Community College
Public Safety Training Center
321 Chapanoke Rd.
Raleigh, NC 27502**

Instructions for Oral and Written Comments: The objection, reasons for the objection, and the clearly identified portion of the rule to which the objection pertains, must be submitted in writing to:

Charminique Williams
Department of Justice
Criminal Justice Standards Division
PO Drawer 149
Raleigh, NC 27602.



Title: Lateral transfer, minimum standards for CJ Officers and Certification of Instructors, Moral Character and Annual In-Service Training.
Agency: Criminal Justice Education and Training and Standards Commission
Contact: Charminique Williams
Impact Summary: State Government: No
Local Government: No
Substantial Impact: No
Small Business: No

12 NCAC 09A .0206 Summary Suspensions
12 NCAC 09B .0101 Minimum Standards for Criminal Justice Officers
12 NCAC 09B .0104 Medical Examination
12 NCAC 09B .0205 Basic Law Enforcement Training
12 NCAC 09B .0209 Criminal Justice Instructor Training
12 NCAC 09B .0301 Certification of Instructors
12 NCAC 09B .0302 General Instructor Certification
12 NCAC 09B .0410 Criminal Justice Instructor Training Course
12 NCAC 09C .0306 Lateral Transfer of Law Enforcement Officers
12 NCAC 09C .0210 Request for Training Course Accreditation (Repeal)
12 NCAC 09E .0106 Annual In-Service Firearms Qualifications Specifications
12 NCAC 09G .0206 Moral Character
12 NCAC 09G .0313 Corrections Instructors Training Course
12 NCAC 09G .0414 Instructor Training

Statutory authority for the rule change: G.S. 17C-6; 17C-10; 17C-2; 150B-3; 150B-11

Amendment: On May 19, 2017 the Criminal Justice Education and Training Standards Commission proposed one rule repeal and amendments to the aforementioned rules in order to:

- The repeal of 12 NCAC 09C .0210 due to the ambiguity regarding intended course accreditation (Commission or Third-party vendors).
- 12 NCAC 09C .0306 Lateral Transfer of Law Enforcement Officers to provide full time certified employed officers a 60-day waiver for specified screenings to expedite the hiring process. The proposed change impacted 12 NCAC 09A .0206; 12 NCAC 09B .0101; 12 NCAC 09B .0104 therefore warrant minor language change.
- 12 NCAC 09B .0205 Basic Law Enforcement Training modify to increase mental illness topic hours.
- Recommended General Instructor Training changes to reflect curriculum revisions 12 NCAC 09B .0209 Criminal Justice Instructor Training; 12 NCAC 09B .0410 Criminal Justice Instructor Training Course; 12 NCAC 09G .0313 Corrections Instructors; Training Course; 12 NCAC 09G .0414 Instructor Training.
- 12 NCAC 09E .0106 Annual In-Service Firearms Qualifications Specifications to add day and night firearms qualifications for all weapons.
- To provide consistent language in both 12 NCAC 09G .0206 Moral Character and 12 NCAC 09B .0101 Minimum Standards for Criminal Justice Officers

- ☐ **State Impact:** None
- ☐ **Local Government Impact:** No
- ☐ **Substantial Economic Impact:** No
- ☐ **Small Business Impact:** No

*Rules begin on the following page

1 12 NCAC 09A .0206 is proposed for amendment as follows:

2
3 **12 NCAC 09A .0206 SUMMARY SUSPENSIONS**

4 (a) The Commission, by and through the Probable Cause Committee, may summarily suspend the certification of a
5 criminal justice officer or instructor before the commencement of proceedings for suspension or revocation of the
6 certification when the public health, safety, or welfare requires action pursuant to G.S. 150B-3. The Commission
7 has determined that the following conditions specifically affect the public health, safety, or welfare and therefore it,
8 by and through the Probable Cause Committee, may utilize summary suspension when:

- 9 (1) the person has committed or been convicted of a violation of the criminal code that would require
10 a permanent revocation or denial of certification;
11 (2) the certified officer fails to satisfactorily complete the in-service training requirements as
12 prescribed in 12 NCAC 09E; or
13 (3) the certified officer has produced a positive result on a urinalysis test, conducted in accordance
14 with 12 NCAC 09B .0101(5).

15 (b) For the purpose of considering a summary suspension of certification, the Probable Cause Committee may meet
16 upon notice given by mail, telephone, or other means not less than 48 hours in advance of the meeting.

17 (c) A summary suspension shall be effective on the date specified in the order of summary suspension or on service
18 of the certified copy of the order at the last known address of the person, whichever is later. The summary
19 suspension shall remain effective during the proceedings.

20 (d) The Director, upon receipt of information showing the existence of a basis for summary suspension provided for
21 in Subparagraph (a)(1), (2), or (3) of this Rule, shall coordinate the meeting described in Paragraph (b) of this Rule.
22 Any affected person shall be notified, if feasible, that the person may submit any pertinent matters to the Probable
23 Cause Committee for its consideration before the Committee acts on the summary suspension issue. No person shall
24 be allowed more than 48 hours to submit information to the Probable Cause Committee.

25 (e) Upon verbal notification by the Director that the certification of an officer or instructor is being summarily
26 suspended by written order, the Department Head of the Criminal Justice Agency or the executive officer of the
27 institution shall take such steps as are necessary to ensure that the officer or instructor does not perform duties
28 requiring certification by the Commission.

29 (f) The Commission, by and through the Director, upon determining that a Commission-certified Concealed Carry
30 Handgun Instructor has conducted a concealed carry handgun training course as mandated by G.S. 14-415(a)(4) that
31 is not in compliance with 12 NCAC 09F .0102 and negatively affects the public safety and welfare may summarily
32 suspend the instructor's Concealed Carry Handgun Instructor certification until such time as the training course has
33 been brought into compliance or reported to the Probable Cause Committee for action. For each instance the
34 Director shall:

- 35 (1) summarily suspend the Concealed Carry Handgun Instructor certification, prohibiting him or her
36 from delivering concealed carry handgun training until the Director determines the training

1 program is brought into compliance with 12 NCAC 09F .0102 and 12 NCAC 09F .0105; of this
2 Chapter; and

- 3 (2) inform the instructor that he or she may appeal the Director's suspension by requesting, in writing,
4 a formal hearing before the Probable Cause Committee at the next scheduled Commission
5 meeting.

6 (g) The Commission, by and through the Director, upon determining that a criminal justice officer who was
7 issued a waiver of the requirements of 12 NCAC 09C .0306 has not met those requirements within 60-days of being
8 awarded general certification by the Commission, shall summarily suspend the officer's certification until such time
9 the officer meets the requirements of 09C .0306.

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11 *History Note: Authority G.S. 17C-6; 17C-10; 150B-3;*

12 *Eff. January 1, 1981;*

13 *Amended Eff. October 1, 2017; February 1, 2016; December 1, 2007; March 1, 2004; July 1,*
14 *1990; July 1, 1989; October 1, 1985; August 15, 1981.*

**SUBCHAPTER 9B - STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT: EDUCATION: AND
TRAINING**

SECTION .0100 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE EMPLOYMENT

12 NCAC 09B .0101 is proposed for amendment as follows:

12 NCAC 09B .0101 MINIMUM STANDARDS FOR CRIMINAL JUSTICE OFFICERS

Every criminal justice officer employed by an agency in North Carolina shall:

- (1) be a citizen of the United States;
- (2) be at least 20 years of age;
- (3) be of good moral character pursuant to G.S. 17C-10 and as ~~determined by a thorough background investigation;~~ evidenced by the following:
 - (a) not having been convicted of a felony;
 - (b) not having been convicted of a misdemeanor as defined in 12 NCAC 09B .0111 (1) for three years or the completion of any corrections supervision imposed by the courts whichever is later;
 - (c) not having been convicted of an offense that, under 18 U.S.C. 922 (1996), which is hereby incorporated by reference and all subsequent amendments (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18-part1-chap44-sec922.pdf>), would prohibit the possession of a firearm or ammunition;
 - (d) having submitted to and produced a negative result on a drug test within 60 days of employment or any in-service drug screening required by the appointing agency that meets the certification standards of the Department of Health and Human Services for Federal Workplace Drug Testing Programs. A list of certified drug testing labs that meet this requirement may be obtained, at no cost, at http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.html.
 - (e) submitting to a background investigation consisting of the verification of age and education; and a criminal history check of local, state, and national files;
 - (f) being truthful in providing information to the appointing agency and to the Standards Division for the purpose of obtaining probationary or general certification;
 - (g) not having pending or outstanding felony charges which, if convicted of, would disqualify the applicant from holding such certification, pursuant to North Carolina General Statute 17C-13; and
 - (h) not engage in any conduct that brings into question the truthfulness or credibility of the officer, reflects poorly on the officer's profession, or conduct that involved "moral turpitude." "Moral Turpitude" is conduct that is contrary to justice, honesty, or morality. This conduct may include conduct as defined in: re Willis, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); in re State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); in re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and their progeny.

- 1 (4) have been fingerprinted and a search made of local, state, and national files to disclose any criminal record;
- 2 (5) have been examined and certified by a licensed physician or surgeon to meet physical requirements
- 3 necessary to properly fulfill the officer's particular responsibilities and shall have produced a negative result
- 4 on a drug screen administered according to the following specifications:
- 5 (a) the drug screen shall be a urine test consisting of an initial screening test using an immunoassay
- 6 method and a confirmatory test on an initial positive result using a gas chromatography/mass
- 7 spectrometry (GC/MS) or other reliable initial and confirmatory tests as may, from time to time,
- 8 be authorized or mandated by the Department of Health and Human Services for Federal
- 9 Workplace Drug Testing Programs;
- 10 (b) a chain of custody shall be maintained on the specimen from collection to the eventual discarding
- 11 of the specimen;
- 12 (c) the drug screen shall test for the presence of at least cannabis, cocaine, phencyclidine (PCP),
- 13 opiates and amphetamines or their metabolites;
- 14 (d) the test threshold values established by the Department of Health and Human Services for Federal
- 15 Workplace Drug Testing Programs, as found in 59 F.R. 29916(1994), are hereby incorporated by
- 16 reference, and shall automatically include any later amendments and editions of the incorporated
- 17 material as provided by G.S. 150B-21.6;
- 18 (e) the test conducted shall be not more than 60 days old, calculated from the time when the
- 19 laboratory reports the results to the date of employment;
- 20 (f) the laboratory conducting the test must be certified for federal workplace drug testing programs,
- 21 and must adhere to applicable federal rules, regulations and guidelines pertaining to the handling,
- 22 testing, storage and preservation of samples;
- 23 (6) have been administered a psychological screening examination by a clinical psychologist or psychiatrist
- 24 licensed to practice in North Carolina or by a clinical psychologist or psychiatrist authorized to practice in
- 25 accordance with the rules and regulations of the United States Armed Forces within one year prior to
- 26 employment by the employing agency to determine the officer's mental and emotional suitability to
- 27 properly fulfill the responsibilities of the position;
- 28 (7) have been interviewed personally by the Department head or his representative or representatives, to
- 29 determine such things as the applicant's appearance, demeanor, attitude, and ability to communicate;
- 30 (8) notify the Standards Division of all criminal offenses which the officer is arrested for or charged with,
- 31 pleads no contest to, pleads guilty to or is found guilty of: of as well as Domestic Violence Orders (50B)
- 32 which are issued by a judicial official. This shall include all criminal offenses except minor traffic offenses
- 33 and shall specifically include any offense of Driving Under The Influence (DUI) or Driving While
- 34 Impaired (DWI). A minor traffic offense is defined, for purposes of this Subparagraph, as an offense where
- 35 the maximum punishment allowable by law is 60 days or less. Other offenses under Chapter 20 (Motor
- 36 Vehicles) of the General Statutes of North Carolina or similar laws of other jurisdictions which shall be
- 37 reported to the Standards Division expressly include G.S. 20-139 (persons under influence of drugs). G.S.

20-28(b) (driving while license permanently revoked or permanently suspended) and G.S. 20-166 (duty to stop in event of accident). The notifications required under this Subparagraph must be in writing, must specify the nature of the offense, the court in which the case was handled, the date of the arrest or criminal charge, the final disposition, and the date thereof. The notifications required under this Subparagraph must be received by the Standards Division within 30 days of the date of arrest or charge and case disposition ~~the case was disposed of in court~~. The requirements of this Subparagraph shall be applicable at all times during which the officer is certified by the Commission and shall also apply to all applications for certification. Officers required to notify the Standards Division under this Subparagraph shall also make the same notification to their employing or appointing executive officer within 20 days of the date the case was disposed of in court. The executive officer, provided he has knowledge of the officer's arrest(s) or criminal charge(s) and final disposition(s), shall also notify the Standards Division of all arrests or criminal charges and final dispositions within 30 days of the date the case was disposed of in court. Receipt by the Standards Division of a single notification, from either the officer or the executive officer, is sufficient notice for compliance with this Subparagraph.

History Note: Authority G.S. 17C-6; 17C-10;

Eff. January 1, 1981;

Amended Eff. October 1, 2017; September 1, 2001; April 1, 1999; January 1, 1995; November 1, 1993; July 1, 1990.

12 NCAC 09B .0104 is proposed for amendment as follows:

12 NCAC 09B .0104 MEDICAL EXAMINATION

(a) Each applicant for employment as a criminal justice officer shall complete the Commission's Medical History Statement Form within one year prior to employment by the employing agency and shall be examined by either a physician or surgeon licensed to practice medicine in North Carolina or by a physician or surgeon authorized to practice medicine in accordance with the rules and regulations of the United States Armed Forces to help determine one's fitness in carrying out the physical requirements of the criminal justice officer position.

(b) The examining physician shall record the results of the examination on the Commission's Medical Examination Report Form and shall include notation of any evidence of past or present defects, diseases, injuries, operations, or conditions of an abnormal or unusual nature.

(c) An applicant for employment as a law enforcement officer seeking general certification may not be employed or placed in a sworn law enforcement position prior to the date on which the employing agency receives the report of the results of the medical examination unless all of the following requirements are met:

(1) The applicant has completed and signed the applicant's certificate (Section A) of the Commission's Report of Appointment, wherein the applicant's temporary employment and probationary law enforcement officer certification is acknowledged to be contingent on the completion of the drug screening reported to the Commission of the individual being issued general certification.

(2) The requirements of this section shall be met within 60-days of the law enforcement officer being issued general certification.

History Note: Authority G.S. 17C-6; 17C-10;

Eff. January 1, 1981;

Amended Eff. October 1, 2017; November 1, 1993; February 1, 1991; March 1, 1990; April 1, 1985.

12 NCAC 09B .0205 is proposed for amendment as follows:

12 NCAC 09B .0205 BASIC LAW ENFORCEMENT TRAINING

(a) The basic training course for law enforcement officers consists of instruction designed to provide the trainee with the skills and knowledge to perform those tasks essential to function in law enforcement.

(b) The course entitled "Basic Law Enforcement Training" shall consist of a minimum of 616 hours of instruction and shall include the following identified topical areas and minimum instructional hours for each:

(1) LEGAL UNIT

(A) Motor Vehicle Laws	20 Hours
(B) Preparing for Court and Testifying in Court	12 Hours
(C) Elements of Criminal Law	24 Hours
(D) Juvenile Laws and Procedures	8 Hours
(E) Arrest, Search and Seizure/Constitutional Law	28 Hours
(F) Alcohol Beverage Control (ABC)Laws and Procedures	4 Hours
UNIT TOTAL	96 Hours

(2) PATROL DUTIES UNIT

(A) Techniques of Traffic Law Enforcement	24 Hours
(B) Explosives and Hazardous Materials Emergencies	12 Hours
(C) Traffic Crash Investigation	20 Hours
(D) In-Custody Transportation	8 Hours
(E) Crowd Management	12 Hours
(F) Patrol Techniques	28 Hours
(G) Law Enforcement Communication and Information Systems	8 Hours
(H) Anti-Terrorism	4 Hours
(I) Rapid Deployment	8 Hours
UNIT TOTAL	124 Hours

(3) LAW ENFORCEMENT COMMUNICATION UNIT

(A) Responding to Victims and the Public	10 Hours
(B) Domestic Violence Response	12 Hours
(C) Ethics for Professional Law Enforcement	4 Hours
(D) Individuals with Mental Illness and Developmental Disabilities	8 24 Hours
(E) Crime Prevention Techniques	6 Hours
(F) Communication Skills for Law Enforcement Officers	8 Hours
UNIT TOTAL	48 Hours

(4) INVESTIGATION UNIT

(A) Fingerprinting and Photographing Arrestee	6 Hours
(B) Field Note-taking and Report Writing	12 Hours

1	(C)	Criminal Investigation	34 Hours
2	(D)	Interviews: Field and In-Custody	16 Hours
3	(E)	Controlled Substances	12 Hours
4	(F)	Human Trafficking	2 Hours
5		UNIT TOTAL	82 Hours
6	(5)	PRACTICAL APPLICATION UNIT	
7	(A)	First Responder	32 Hours
8	(B)	Firearms	48 Hours
9	(C)	Law Enforcement Driver Training	40 Hours
10	(D)	Physical Fitness (classroom instruction)	8 Hours
11	(E)	Fitness Assessment and Testing	12 Hours
12	(F)	Physical Exercise 1 hour daily, 3 days a week	34 Hours
13	(G)	Subject Control Arrest Techniques	40 Hours
14		UNIT TOTAL	214 Hours
15	(6)	SHERIFF-SPECIFIC UNIT	
16	(A)	Civil Process	24 Hours
17	(B)	Sheriffs' Responsibilities: Detention Duties	4 Hours
18	(C)	Sheriffs' Responsibilities: Court Duties	6 Hours
19		UNIT TOTAL	34 Hours
20	(7)	COURSE ORIENTATION	2 Hours
21	(8)	TESTING	16 Hours
22		TOTAL COURSE HOURS	646 32 Hours

(c) The "Basic Law Enforcement Training Manual" published by the North Carolina Justice Academy shall be used as the curriculum for this training course. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be obtained at the cost of printing and postage from the North Carolina Justice Academy at the following address:

North Carolina Justice Academy
Post Office Drawer 99
Salemberg, North Carolina 28385

1 (d) The "Basic Law Enforcement Training Course Management Guide" published by the North Carolina Justice
2 Academy shall be used by school directors in planning, implementing, and delivering basic training courses. Copies
3 of this guide may be obtained at the cost of printing and postage from the Justice Academy.
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5 *History Note: Authority G.S. 17C-6; 17C-10;*

6 *Eff. January 1, 1981;*

7 *Temporary Amendment Eff. December 14, 1983 for a period of 120 days to expire on April 12,*
8 *1984;*

9 *Amended Eff. July 1, 2016; January 1, 2015; February 1, 2014; July 1, 2011; July 1, 2009;*
10 *January 1, 2006; August 1, 2002; August 1, 2000; November 1, 1998; July 1, 1997; January 1,*
11 *1995; February 1, 1991; July 1, 1989.*
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12 NCAC 09B .0209 is proposed for amendment as follows:

12 NCAC 09B .0209 CRIMINAL JUSTICE INSTRUCTOR TRAINING

(a) The instructor training course required for general instructor certification shall consist of a minimum of ~~75~~ 78 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice instructor.

(c) Each instructor training course shall include the following identified topic areas and minimum instructional hours for each area:

(1)	Orientation/ Self Assessment and Pre-Test	3 Hours
(2)	Curriculum Development: ISD Model Instructional Systems Design (ISD)	3 <u>6</u> Hours
(3)	Law Enforcement Instructor Liabilities and Legal Responsibilities	2 <u>3</u> Hours
(4)	Interpersonal Communication in Instruction Instructional Leadership	4 Hours
(5)	Lesson Plan Preparation: Professional Resources	2 <u>3</u> Hours
(6)	Lesson Plan Preparation: <u>Development:</u> Format and Objectives	6 <u>4</u> Hours
(7)	Teaching Adults <u>Adult Learning</u>	4 Hours
(8)	Principles of Instruction: Demonstration Methods and Practical Exercise <u>Instructional Styles and Platform Skills</u>	6 <u>4</u> Hours
(9)	Classroom Management	4 Hours
(10)	Methods and Strategies of Instruction <u>Active Learning: Demonstration</u> <u>and Practical Exercises</u>	4 <u>6</u> Hours
(11)	The Evaluation Process of Learning	4 Hours
(12)	Principles of Instruction: Audio-Visual Aids	6 <u>4</u> Hours
(13)	Student 10-Minute <u>8-Minute</u> Talk and Video Critique	6 Hours
(14)	Student Performance:	
	First 30-Minute Presentation	6 <u>5</u> Hours
	Second 30-Minute Presentation	6 <u>5</u> Hours
	Final 80-Minute <u>70-Minute</u> Presentation and Review	12 Hours
(15)	Course Closing	1 Hour

(d) The "Instructor Training" manual published by the North Carolina Justice Academy shall be the curriculum for instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive
Post Office Drawer 149
Raleigh, North Carolina 27602

and may be purchased at the cost of printing and postage from the Academy at the following address:

1 North Carolina Justice Academy
2 Post Office Drawer 99
3 Salemburg, North Carolina 28385
4

5 *History Note: Authority G.S. 17C-6;*
6 *Eff. January 1, 1981;*
7 *Amended Eff. October 1, 2017; January 1, 2015; December 1, 2009; August 1, 2005; November 1,*
8 *1998; January 1, 1995; March 1, 1990; July 1, 1989; January 1, 1985.*
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12 NCAC 09B.0301 is proposed for amendment as follows:

SECTION .0300 - MINIMUM STANDARDS FOR CRIMINAL JUSTICE INSTRUCTORS

12 NCAC 09B .0301 CERTIFICATION OF INSTRUCTORS

(a) Any person participating in a Commission-certified criminal justice training course or program as an instructor, teacher, professor, lecturer, or other participant making presentations to the class shall first be certified by the Commission as an instructor.

(b) The Commission shall certify instructors under the following categories: General Instructor Certification, Specialized Instructor Certification or Professional Lecturer Certification as outlined in Rules .0302, .0304 and 0306 of this Section. Instructor certification shall be granted on the basis of documented qualifications of experience, education, and training in accord with the requirements of this Section and reflected on the applicant's Request for Instructor Certification Form.

(c) In addition to all other requirements of this Section, each instructor certified by the Commission to teach in a Commission-certified course shall remain competent in his/her specialized areas. Such competence includes remaining current in the instructor's area of expertise, which shall be demonstrated by attending and successfully completing all instructor updates issued by the Commission.

(d) The Standards Division may notify an applicant for instructor certification or a certified instructor that a deficiency appears to exist and attempt, in an advisory capacity, to assist the person in correcting the deficiency.

(e) When any person certified as an instructor by the Commission is found to have knowingly and willfully violated any provision or requirement of the rules in this Subchapter, the Commission may take action to correct the violation and to ensure that the violation does not recur, including:

- (1) issuing an oral warning and request for compliance;
- (2) issuing a written warning and request for compliance;
- (3) issuing an official written reprimand;
- (4) suspending the individual's certification for a specified period of time or until acceptable corrective action is taken by the individual; and
- (5) revoking the individual's certification.

(f) The Commission may deny, suspend, or revoke an instructor's certification when the Commission finds that the person:

- (1) has failed to meet and maintain any of the requirements for qualification;
- (2) has failed to remain knowledgeable in the person's areas of expertise;
- (3) has failed to deliver training in a manner consistent with the instructor lesson plans outlined in the "Basic Instructor Training Manual" as found in 12 NCAC 09B .0209;
- (4) has failed to follow specific guidelines outlined in the "Basic Law Enforcement Training Course Management Guide" as found in 12 NCAC 09B .0205;
- (5) has demonstrated in the delivery of commission-mandated training, unprofessional personal conduct, defined as an act that is: conduct for which no reasonable person should expect to receive prior

warning; job-related conduct which constitutes a violation of State or federal law; conviction or commission of a criminal offense as set out in 12 NCAC 09A .0204; the willful violation of Rules of this Chapter; conduct that is detrimental to instruction in the Commission's mandated courses; the abuse of client(s), student(s) over whom the instructor has charge; or falsification of an instructor application or in other employment documentation;

(6) has demonstrated instructional incompetence;

(7) has knowingly and willfully obtained, or attempted to obtain instructor certification by deceit, fraud, or misrepresentation;

(8) has failed to meet or maintain good moral character as defined in: re Willis, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (9175); State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); in re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and their progeny, as required to effectively discharge the duties of a criminal justice instructor;

(9) has failed to deliver training in a manner consistent with the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program as found in 12 NCAC 09H .0102; or

(10) has knowingly and willfully aided or attempted to aid any person in obtaining qualification/certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program by deceit, fraud or misrepresentation.

(11) has committed or been convicted of an offense which could result in the [denial.] suspension or revocation of an officer's law enforcement certification pursuant to 12 NCAC 02A .0204 or 12 NCAC 09G .0504

(12) has knowingly made a material misrepresentation of any information required for certification or accreditation.

(g) When any person certified as a law enforcement officer by the North Carolina Criminal Justice Education and Training Standards Commission (Commission), the North Carolina Sheriffs Education and Training Standards Commission (Sheriffs' Commission), or the North Carolina Department of Insurance, Office of State Fire Marshal, Fire and Rescue Commission (Fire Commission) has his or her law enforcement officer or fire and rescue certification suspended or revoked by their respective Commission, shall report to Criminal Justice Standards within 30-days. They shall also have their General Instructor certification (if applicable) similarly and automatically suspended/revoked for the same time period as their respective Commission certification.

(1) This suspension/revocation of the General Instructor certification shall also include suspension/revocation to any Commission recognized Specialized or additional Instructor certification as outlined in 12 NCAC 09B .0304 Specialized Instructor Certification.

(2) If the term of suspension/revocation exceeds the expiration date of the Instructor's initial certification expiration date, they shall forfeit their certification(s) as a General Instructor/Specialized Instructor(s) and shall be required to obtain certification pursuant to all requirements as established in 12 NCAC

09B .0302 before any instruction may be delivered within any commission approved/mandated training, including the completion of a subsequent General Instructor training course in it's entirety.

- (3) If the term of suspension/revocation does not exceed the expiration date of the Instructor's initial certification expiration date, they shall be reinstated as a General Instructor only upon reinstatement of their law enforcement officer certification by the Commission. The terms of renewal for the existing General Instructor/Specialized Instructor certification(s) shall remain subject to all renewal requirements pursuant to 12 NCAC 09B .0303(c) by the next immediate expiration date.

History Note: Authority G.S. 17C-6;

Eff. January 1, 1981;

Amended Eff. October 1, 2017; October 1, 2009; August 1, 2004; April 1, 1999; July 1, 1991; January 1, 1985.

12 NCAC 09B .0302 is proposed for amendment as follows:

12 NCAC 09B .0302 GENERAL INSTRUCTOR CERTIFICATION

(a) General Instructor Certification issued after December 31, 1984, shall be limited to those topics that are not expressly incorporated under the Specialized Instructor Certification category. Individuals certified under the general instructor category shall not teach any of the subjects specified in Rule .0304 of this Subchapter, entitled "Specialized Instructor Certification." To qualify for issuance of General Instructor Certification, an applicant shall demonstrate a combination of education and experience in criminal justice and proficiency in the instructional process by meeting the following requirements:

- (1) Present documentary evidence showing that the applicant:
 - (A) is a high school, college or university graduate, or has received a high school equivalency credential as recognized by the issuing state; and
 - (B) has acquired four years of practical experience as a Criminal Justice Officer, an administrator or specialist in a field directly related to the criminal justice system, or as an employee of a Criminal Justice Agency.
- (2) Present evidence showing completion of a Commission-accredited instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise; and
- (3) Achieve a passing score on the comprehensive written examination administered by the Commission, as required by Rule .0413(d) of this Subchapter.

(b) Applications for General Instructor Certification shall be submitted to the Standards Division within 60 days of the date the applicant passed the state comprehensive examination administered at the conclusion of the Commission-accredited instructor training program or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise.

(c) Persons having completed a Commission-accredited instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, and not having made application within 60 days of completion of the course shall complete a subsequent Commission-accredited instructor training course or an equivalent instructor training course utilizing the Instructional Systems Design model, an international model with applications in education, military training, and private enterprise, in its entirety.

(d) Applicants for Speed Measuring Instrument Instructor courses shall possess probationary or General Instructor Certification.

History Note: Authority G.S. 17C-6.

Eff. January 1, 1981;

1 *Amended Eff. October 1, 2017; January 1, 2017; February 1, 2016; January 1, 2015; January 1,*
2 *2006; May 1, 2004; August 1, 2000; July 1, 1991; December 1, 1987; October 1, 1985; January*
3 *1, 1985.*

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1 12 NCAC 09B .0410 is proposed for amendment as follows:

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3 **12 NCAC 09B .0410 CRIMINAL JUSTICE INSTRUCTOR TRAINING COURSE**

4 (a) To acquire successful completion of the "Criminal Justice Instructor Training Course" the trainee shall:

- 5 (1) satisfactorily complete all of the required coursework, specifically including each of the introductory
6 trainee presentations with video taping, playback, and critique as specified in the "Basic Instructor Training
7 Manual" as published by the North Carolina Justice Academy. All trainee presentations must have met the
8 criteria and conditions specified in the course orientation of the "Basic Instructor Training Manual;" and
9 (2) attain the minimum score on each performance area as specified in the course abstract of the "Basic
10 Instructor Manual" for the final written lesson plan and final ~~80~~ 70-minute ~~presentation; and, presentation.~~
11 (3) ~~achieve a score of 75 percent correct answers on the Commission administered comprehensive written~~
12 ~~examination.~~

13 (b) Should a trainee fail to meet the minimum criteria on the final lesson plan or the final ~~80~~ 70-minute presentation, he/she
14 shall be authorized one opportunity to correct either of these deficiencies by the end of the original two-week course.

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16 *History Note: Authority G.S. 17C-6; 17C-10;*

17 *Eff. January 1, 1985;*

18 *Amended Eff. October 1, 2017; January 1, 1995; February 1, 1987.*

1 12 NCAC 09C .0306 is proposed for amendment as follows:

2
3 **12 NCAC 09C .0306 LATERAL TRANSFER OF LAW ENFORCEMENT OFFICERS**

4 (a) A law enforcement officer with general certification from either the Criminal Justice Education and Training
5 Standards Commission or the Sheriffs' Education and Training Standards Commission may transfer from one law
6 enforcement agency to another law enforcement agency with less than a 12 month break in law enforcement service.
7 Prior to employing the officer, the employing agency shall:

- 8 (1) verify the certification of the officer with the Criminal Justice Standards Division or the Sheriffs'
9 Standards Division.
- 10 (2) submit a new fingerprint check to the North Carolina State Bureau of Investigation, in compliance
11 with the requirements set forth in 12 NCAC 09B .0103(a) and (b), in the same manner as
12 prescribed for non-certified new applicants. No certification shall be transferred if the holder has
13 been convicted since initial certification of any offense for which revocation or suspension of
14 certification is authorized.
- 15 (3) advise the officer that he will be serving under a probationary appointment with the agency for one
16 year.
- 17 (4) notify the Commission, by submitting a Report of Appointment that the officer is being employed
18 and stating the date on which employment will commence.

19 (b) Prior to transfer of certification, the law enforcement officer shall:

- 20 (1) complete a Medical History Statement Form within one year prior to the transfer to the employing
21 agency;
- 22 (2) submit to examination by a physician licensed to practice medicine in North Carolina in the same
23 manner prescribed for non-certified new applicants in 12 NCAC 09B .0104 within one year prior
24 to the transfer to the employing agency;
- 25 (3) submit results of the physical examination to the employing agency for placement in the officer's
26 permanent personnel file;
- 27 (4) produce a negative result on a drug screen administered according to the specifications outlined in
28 12 NCAC 09B .0101(5); and
- 29 (5) either:
- 30 (A) submit a copy of the Commission's annual in-service training report form to the
31 employing agency for placement in the officer's permanent personnel file when the duty
32 and off duty weapon(s) remain the same as those previously used to qualify. Such in-
33 service training compliance must have occurred within the 12 month period preceding
34 transfer; or
- 35 (B) satisfactorily complete the employing agency's in-service firearms training program as
36 prescribed in 12 NCAC 09E .0105 and .0106.

(c) Officers previously certified who were not previously required to meet the educational or basic training requirements are not required to meet such requirements when laterally transferring to another agency with less than a 12-month break in law enforcement service.

(d) For currently certified full time officers with no break in service, upon written request from the department head of the agency, the Division may waive for a period of no more than 60-days from the receipt of the Report of Appointment by the Standards Division the requirements of subparagraphs of (b)(1), (b)(2), (b)(3), (b)(4), and (b)(5) of this rule. The Report of Appointment Form is located on the agency's website:
[http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-\(DJJDP\)--6-11.aspx](http://www.ncdoj.gov/getdoc/64d263a3-a598-4c45-9541-04ef088cf288/F-5A-(DJJDP)--6-11.aspx).

History Note: Authority G.S. 17C-6; 17C-10;

Eff. January 1, 1981;

Amended Eff. October 1, 2017; May 1, 2009; July 1, 1990; March 1, 1990; July 1, 1989; July 1, 1982.

12 NCAC 09E .0106 is proposed for amendment as follows:

12 NCAC 09E .0106 ANNUAL IN-SERVICE FIREARMS QUALIFICATION SPECIFICATIONS

(a) All certified law enforcement officers shall qualify for both day and night use with their individual and department-approved service handgun(s) at least once each calendar year. For the purpose of this specification, service handgun shall include any semi-automatic pistol or revolver. In addition to the requirements specified in Rule 09E .0105 of this Subchapter, the course of fire shall not be less stringent than the "Basic Training - Law Enforcement Officers" course requirements for firearms qualification.

(b) All certified law enforcement officers who are issued or authorized to use a shotgun, rifle or automatic weapon shall qualify with each weapon respectively for both day and night use at least once each calendar year.

(c) The qualifications required by Paragraphs (a) and (b) of this Rule shall be completed with duty equipment and duty ammunition or ballistic equivalent ammunition to include lead-free ammunition that meets the same point of aim, point of impact, and felt recoil of the duty ammunition, for all weapons.

(d) All certified law enforcement officers who are authorized to carry an off-duty handgun(s) shall qualify with each such handgun consistent with the specifications as outlined in Rules .0105(1) and .0106(a) and (g) of this Section.

(e) To satisfy the training requirements for all in-service firearms qualifications, an officer shall attain at least 70 percent accuracy with each weapon.

(f) The qualifications required by Paragraphs (a) and (b) of this Rule must be achieved at least once in a single day in no more than three attempts in a single day for each course of fire and for each weapon for which qualification is required. Individuals not qualifying in a single day for each course of fire or for a certain weapon for which qualification is required shall be deemed as having failed and 12 NCAC 09E .0103(4) and (5) shall apply.

(g) The In-Service Firearms Qualification Manual as published by the North Carolina Justice Academy shall be applied as a guide for conducting the annual in-service firearms qualification. Copies of this publication may be inspected at the office of the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
~~114 West Edenton Street~~
~~Old Education Building~~
1700 Tryon Park Drive
~~Post Office Drawer 149~~
Raleigh, North Carolina ~~27602~~ 27610

and may be viewed and downloaded at no cost from the Academy's website at the following address:

<http://www.jus.state.nc.us/NCJA>

*History Note: Authority G.S. 17C-6; 17C-10;
Eff. July 1, 1989;*

1 *Amended Eff. January 1, 2018; January 1, 2006; January 1, 2005; November 1, 1998; March 1,*
2 *1992.*

1 12 NCAC 09G .0206 is proposed for adoption as follows:

2
3 **12 NCAC 09G .0206 MORAL CHARACTER**

4 Every person employed as a correctional officer or probation/parole officer by the Department of Public Safety,
5 Division of Adult Correction and Juvenile Justice shall demonstrate good moral character as evidenced by the
6 following:

- 7 (1) not having been convicted of a felony;
- 8 (2) not having been convicted of a misdemeanor as defined in 12 NCAC 09G .0102(10) for three
9 years or the completion of any corrections supervision imposed by the courts whichever is later;
- 10 (3) not having been convicted of an offense that, under 18 U.S.C. 922 (1996), which is hereby
11 incorporated by reference and all subsequent amendments
12 (<http://www.gpo.gov/fdsys/pkg/USCODE-2011-title18-part1-chap44-sec922.pdf>), would prohibit
13 the possession of a firearm or ammunition;
- 14 (4) having submitted to and produced a negative result on a drug test within 60 days of employment
15 or any in-service drug screening required by the Department of Public Safety, Division of Adult
16 Correction and Juvenile Justice that meets the certification standards of the Department of Health
17 and Human Services for Federal Workplace Drug Testing Programs. A list of certified drug testing
18 labs that meet this requirement may be obtained, at no cost, at
19 http://workplace.samhsa.gov/DrugTesting/Level_1_Pages/CertifiedLabs.html.
- 20 (5) submitting to a background investigation consisting of the following:
 - 21 (a) verification of age;
 - 22 (b) verification of education; and
 - 23 (c) criminal history check of local, state, and national files;
- 24 (6) being truthful in providing information to the Department of Public Safety, Division of Adult
25 Correction and Juvenile Justice and to the Standards Division for the purpose of obtaining
26 probationary or general certification;
- 27 (7) not having pending or outstanding felony charges which, if convicted of, would disqualify the
28 applicant from holding such certification, pursuant to G.S. 17C-13; and
- 29 (8) not engage in any conduct that brings into question the truthfulness or credibility of the officer,
30 reflects poorly on the officer's profession, or conduct that involved "moral turpitude." "Moral
31 Turpitude" is conduct that is contrary to justice, honesty, or morality. This conduct may include
32 conduct as defined in: re Willis, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976
33 (1975); in re State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); in re Legg, 325 N.C. 658, 386
34 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in re Dillingham,
35 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and
36 their progeny.
37

1 *History Note:* *Authority G.S. 17C-6; 17C-10;*
2 *Temporary Adoption Eff. January 1, 2001;*
3 *Eff. August 1, 2002;*
4 *Amended Eff. October 1, 2017; April 1, 2017; January 1, 2015; June 1, 2012; April 1, 2009;*
5 *August 1, 2004.*
6

12 NCAC 09G .0313 is proposed for amendment as follows:

12 NCAC 09G .0313 CORRECTIONS INSTRUCTOR TRAINING COURSE

(a) To successfully acquire Corrections Instructor Training the trainee shall:

- (1) satisfactorily complete all of the required course work, specifically including each of the trainee presentations with videotaping, playback, and critique as specified in the "Basic Instructor Training Manual" as published by the North Carolina Justice Academy. All trainee presentations must have met the criteria and conditions specified in the course orientation of the "Basic Instructor Training Manual;"
- (2) attain the minimum score on each performance area as specified in the course abstract of the "Basic Instructor Manual" for the final written lesson plan and final 80-minute presentation; and,
- (3) achieve a score of 75 percent correct answers on the comprehensive written examination.

(b) Should a trainee fail to meet the minimum criteria on the final lesson plan or the final ~~80-minute~~ 70- minute presentation, he/she shall be authorized one opportunity to correct either of these deficiencies by the end of the original two-week course.

*History Note: Authority G.S. 17C-6;
 Temporary Adoption Eff. January 1, 2001;
 Eff. October 1, 2017; August 1, 2002.*

12 NCAC 09G .0414 is proposed for amendment as follows:

12 NCAC 09G .0414 INSTRUCTOR TRAINING

(a) The instructor training course required for general instructor certification shall consist of a minimum of 78 hours of instruction presented during a continuous period of not more than two weeks.

(b) Each instructor training course shall be designed to provide the trainee with the skills and knowledge to perform the function of a criminal justice instructor.

(c) Each instructor training course shall include as a minimum the following identified topic areas: areas and minimum instructional hours for each area:

- | | | |
|----------|---|-----------------|
| (1) | Orientation and Pretest; | <u>3 hours</u> |
| (2) | Curriculum Development: ISD Model; Instructional Systems Design (ISD); | <u>6 hours</u> |
| (3) | Civil Liability for Law Enforcement Trainers; Law Enforcement Instructor | |
| | Liabilities and Legal Responsibilities; | <u>3 hours</u> |
| (4) | Interpersonal Communication in Instruction; Instructional Leadership | <u>4 hours</u> |
| (5) | Lesson Plan Preparation: Professional Resources; | <u>3 hours</u> |
| (6) | Lesson Plan Preparation:- Development: Format and Objectives; | <u>4 hours</u> |
| (7) | Teaching Adults; Adult Learning; | <u>4 hours</u> |
| (8) | Principles of Instruction: Demonstration Methods and Practical Exercise; | |
| | Instructional Style and Platform Skills; | <u>4 hours</u> |
| (9) | Methods and Strategies of Instruction; Classroom Management; | <u>4 hours</u> |
| (10) | Active Learning: Demonstration and Practical Exercises; | <u>6 hours</u> |
| (11) | The Evaluation Process of Learning; | <u>4 hours</u> |
| (11)(12) | Principles of Instruction: Audio-Visual Aids; | <u>4 hours</u> |
| (12)(13) | Student 10-Minute 8-Minute Talk and Video Critique; and | <u>6 hours</u> |
| (13)(14) | Student Performance: | |
| | First 30-Minute Presentation; | <u>5 hours</u> |
| | Second 30-Minute Presentation; and | <u>5 hours</u> |
| | Final 80-Minute 70-Minute Presentation:- Presentation and Review; | <u>12 hours</u> |
| (15) | Course Closing | <u>1 hour</u> |

(d) The "~~Basic Instructor Training Manual~~" "Instructor Training Manual" as published by the North Carolina Justice Academy ~~is to~~ shall be applied as the basic curriculum for ~~delivery of basic~~ instructor training courses. Copies of this publication may be inspected at the agency:

Criminal Justice Standards Division
North Carolina Department of Justice
1700 Tryon Park Drive Post Office Drawer 149
Raleigh, North Carolina 27602

1 and may be purchased at the cost of printing and postage from the North Carolina Justice Academy at the following
2 address:

3 North Carolina Justice Academy
4 Post Office Drawer 99
5 Salemburg, North Carolina 28385
6

7 *History Note: Authority G.S. 17C-6;*
8 *Temporary Adoption Eff. January 1, 2001;*
9 *Eff. August 1, 2002;*
10 *Amended Eff. October 1, 2017; January 1, 2015.*
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12 NCAC .09C12 NCAC 09C .0210 REQUEST FOR TRAINING COURSE ACCREDITATION

The Request for Training Course Accreditation, is used to obtain accreditation for a school's particular offering of a criminal justice training course. It requests information regarding the administration of the course, the particular facilities to be used, and the proposed curriculum of the course.

History Note: Authority G.S. 17C-6; 150B-11;
Eff. January 1, 1981.